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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,357	09/11/2002	Ikuo Sako	04329.2755	7107
22852	7590	06/15/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			AU, SCOTT D	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,357

Applicant(s)

SAKO ET AL.

Examiner

Scott Au

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/2/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-33 is/are allowed.
- 6) ☒ Claim(s) 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to applicant's response to an Amendment, which is filed February 2, 2005.

An amendment to the claims 18-33 have been entered and made of record in the Application of Sako et al. for a "Radio communication system, radio communication apparatus, and radio communicating method" filed July 5, 2001

Claims 1-17 are cancelled.

The new claims 18-33 are introduced.

Note: The certified copies of priority document had been received.. Examiner apologizes for the confusion.

Response to Arguments

Applicant's amendments and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts to overcome the rejection of said claims under 35 U.S.C 102(a) and 35 U.S.C 103(a) as discussed below. Applicant's amendment and argument with respected to the pending claims 18-33, filed on February 2, 2005, have been fully considered but they are not persuasive for at least the following reasons.

On page 14, second and third paragraphs, Applicant's argument with respect to the invention of the cited references, taken individually or in combination, do not disclose or suggest the features that " means for determining that the received information-identification is stored in the reception history table" and information receiving means for receiving the information from the transmitter and writing the received information-identification is not stored in the reception history table", is not persuasive.

Goldman et al. disclose a control Unit 205 of the pager 10 executes a stored program for controlling operation of the pager in response to paging signals and user inputs. Via paging antenna 203, page transmitter/receiver 201 receives paging signals from, and transmits return pages (e.g., forwarding signals) to, paging service 28 or transceiver 74. Page transmitter/receiver 201 also stores a predetermined code (e.g., PTN or associated code) in the database (col. 5 lines 25-30) associating a mobile individual with pager 10 (77). During a time frame, the incoming page results, for example, from a caller dialing a PTN of a mobile individual, and a call being routed to the paging system which transmits a paging signal having an appropriate paging code and protocol for receipt by the pager associated with the called mobile individual, and wherein the incoming page is being compared and stored if the incoming page is not a duplicated one. Examiner interprets the incoming paging is being compared to the stored paging during the time period and the storage during that period is a history table of the paging (col. 11 lines 18-30 and lines 55-61, and col. 12 lines 1-11 and lines 30-35).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldman et al. (US# 5,917,424).

Referring to claims 18, 20, 22 and 24, Goldman et al. disclose a radio communication apparatus and method (i.e. see Figure 1) comprising: means (28) (i.e. paging service) for connecting a radio link to a transmitter (12) (i.e. a caller telephone) which is going to transmit information;

identification receiving means (10) (i.e. pager device) (col. 6 lines 13-24) for receiving an information-identification of the information of the transmitter (col. 11 lines 58-61);
a reception history table (i.e. pager 10 database) which stores information-identification;
means for determining that the received information-identification is stored in the reception history table (col. 5 lines 25-32);
information receiving means (10) (i.e. pager device) for receiving the information from the transmitter (12) (i.e. a caller telephone) and writing the received information-identification in the reception history table when the received information-identification is not stored in the reception history table (col. 11 line 65 to col. 12 line 11); and means (205) (i.e. controller) for disconnecting the radio link when the received information-identification is stored in the reception history table (i.e. once the comparison is not matched, the communication is end and the pager continues to await for an incoming page for comparison).

Referring to claims 19 and 21, Goldman et al. disclose the radio communication apparatus according to claims 18 and 20, wherein said identification receiving means (10) (i.e. pager device) further receives a transmitter-identification of the transmitter (i.e. a caller telephone); said reception history table (i.e. pager 10 database) (col. 5 lines 25-32) further stores transmitter-identification; said determining means (205) (i.e. controller) determines that the received transmitter-identification and the received information-identification are stored in the reception history table (10) (i.e. pager device); said information receiving means (10) (i.e. pager device) receives the information from the transmitter (i.e. a caller telephone) and writes the received transmitter-identification and the received information-identification in the reception history table (10) (i.e. pager device) when the received transmitter-identification and the received information-identification are not stored in the reception history table (10) (i.e. pager device); and said disconnecting means (205) (i.e. controller) disconnects the radio link when the received transmitter-identification and the received information-identification

are stored in the reception history table (i.e. pager 10 database) (col. 11 line 65 to col. 12 line 11) (i.e. once the comparison is not matched, the communication is end and the pager continues to await for an incoming page for comparison).

Referring to claims 23 and 25, Goldman et al. disclose the method of according to claims 22 and 24, to the extent as claimed with respect to claim 19 above, and the method further including: Wherein, receiving an information-identification of the information includes receiving a transmitter-identification of the transmitter; and said reception history table further stores transmitter-identification (col. 30-42; see Figure 4A) if the receiving page is no a duplicated to the one stored in the database.

Allowable Subject Matter

Claims 26-33 are allowed.

Referring to claim 26, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that “information transmitting means for transmitting the information to the receiver and writing the new information-identification in the transmission history table when the new information-identification is not stored in the transmission history table”.

Referring to claim 28, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that “information transmitting means for transmitting the information to the receiver and writing the new receiver-identification in the transmission history table when the new receiver-identification is not stored in the transmission history table”.

Referring to claim 30, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that "transmitting the information to the receiver and writing the new information identification in the transmission history table when the new information-identification is not stored in the transmission history table".

Referring to claim 32, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that "transmitting the information to the receiver and writing the new receiver identification in the transmission history table when the new receiver-identification is not stored in the transmission history table".


Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9306.



BRIAN ZIMMERMAN
PRIMARY EXAMINER